

**AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Brendan Jaffe, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. Since December of 2021, I have been employed as a Special Agent with the U.S. Department of Homeland Security ("HSI"), assigned to HSI Investigations and assigned to the New England Special Agent in Charge (SAC), with an assigned duty station of Providence, RI. I am assigned to the Northeast Corridor Border Enforcement Security Team ("BEST group") which investigates violations of Federal law, including but not limited to drug trafficking, firearms trafficking, human trafficking and smuggling, child exploitation, transnational criminal organizations, money laundering and bulk cash smuggling and commercial fraud. I am a "federal law enforcement officer" authorized to request a seizure warrant under Fed. R. Crim. P. 41(a)(2)(C). I am also an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code, in that I am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 21 of the United States Code.

2. In September of 2022, I graduated from the Federal Law Enforcement Training Center ("FLETC") - U.S Department of Homeland Security Investigations Academy. This fourteen-week training covered various aspects of federal law enforcement, including but not limited to surveillance, defensive tactics, evidence, firearms, investigations, immigration and law. Prior to entering on duty for Homeland Security Investigations, I was previously employed as a Federal Agent as a United States Postal Inspector ("Postal Inspector") by the United States Postal Inspection Service ("USPIS") in Buffalo, NY for approximately 2 ½ years. Upon entering the USPIS, I completed fourteen weeks of Federal Law Enforcement training in Potomac, MD. During my employment as a Postal Inspector, I was assigned to a Miscellaneous

Crimes Team and investigated drug trafficking, firearms trafficking, and the trafficking of illicit proceeds using the United States Mail and other methods. Prior to entering the USPIS, I graduated from the Federal Probation and Pretrial Services Academy and served as a United States Probation Officer for three years. From October of 2017 until May of 2019, I was employed by the United States District Court for the Western District of North Carolina and was assigned to the Supervision Unit, and from February 2016 until October of 2017, I was employed by United States District Court for the District of Rhode Island and was assigned to the Supervision Unit.

PURPOSE OF THE AFFIDAVIT

3. Based upon the facts presented in this affidavit, there is probable cause to believe that Brendan FARLEY (YOB: 1984)) (hereinafter, "FARLEY"), committed violations of federal law, namely, possession of firearms and ammunition affecting interstate and/or foreign commerce after being convicted of a crime punishable by imprisonment for a term exceeding one year violation of 18 U.S. Code § 922(g)(1), and receiving or possessing an NFA firearm not registered to the possessor in the NFTR in violation of 26 U.S.C. § 5681(d), collectively the "SUBJECT OFFENSES." This affidavit is being submitted in support of a Criminal Complaint and Arrest Warrant charging FARLEY with the SUBJECT OFFENSES.

4. The information in this affidavit comes from my personal observations and investigation, my training and experience, information obtained from other law enforcement agents with experience in the investigation of firearms and narcotics distribution, and information obtained from other sources as specified in the body of this affidavit. The affidavit is intended to show that there is sufficient probable cause for the requested warrants and includes only those facts which I believe are necessary to establish probable cause for the issuance of the requested warrant.

PROBABLE CAUSE

Case background

5. On Wednesday, November 29, 2023, HSI Task Force Officer (TFO) Matthew Smith and I were contacted by United Parcel Service (UPS) Security. UPS Security advised that they had located a suspicious parcel in their mail stream.

6. TFO Smith responded to UPS located at 150 Plan Way, Warwick RI, and met with UPS Security. TFO Smith observed UPS parcel bearing tracking number "1Z 44R 3W5 02 1201 2837," addressed to "4017196301 Brendan Sarley 19 Rogler Farm Rd Smithfield RI 02917-1219" (SUBJECT PARCEL). The return address was listed as "7194812050 Order Fulfillment 3105 N Stone Ave Colorado Springs CO 80907."

7. UPS Security opened the SUBJECT PARCEL prior to TFO Smith's arrival. TFO Smith observed the contents of the SUBJECT PARCEL to be several firearms components for an "AK-47" rifle and an invoice from APEX GUN PARTS located in Colorado Springs, CO. The billing invoice found inside the parcel bore the same addressee information and telephone number displayed on the shipping label. Law enforcement conducted records checks and were unable to associate the listed recipient "Brendan Sarley" with the intended delivery address of 19 Rogler Farm Rd, Smithfield RI 02917-1219.

8. The invoice found in the SUBJECT PARCEL listed the following AK-47 components which TFO Smith observed in the SUBJECT PARCEL:

1. AKM / AK-47 Gas Tube, 7 inch *NEW*, US Made
2. AK Recoil Assembly, Complete, US Made *Very Good*
3. AK Recoil Spring Guide, Front *Good*
4. AK Gas Piston, Plated, US Made 922 (r) Compliant Part *NOS*
5. AK Recoil Spring Retainer *Good*
6. Romanian AK-47 / AKM Bolt Carrier Assembly *Refinished*

9. I know based on my training and experience that the AK-47 generally fires a 7.62 x 39mm projectile (or bullet) and exists in both automatic and semi-automatic versions. Generally speaking, in order to fire a semi-automatic firearm, the shooter is

required to pull the trigger of the firearm every time to fire a projectile (bullet).

Automatic firearms do not require the trigger to be pulled each time the user seeks to fire a projectile – rather, a single trigger pull will initiate a continuous burst of fire.

10. Further, based on my training and experience, I know that all of the components contained within the SUBJECT PARCEL are components necessary to assemble or fully build an operable AK-47 or are components that can be used to replace worn or broken components on an already assembled AK-47.

11. An internet search of the listed return address and company confirmed the address for APEX GUN PARTS. According to the company's website, APEX GUNS PARTS sells firearms parts and components for rifles (such as an AK-47), machine guns, handguns and refurbished firearm kits. The website also indicated that rifle and machine gun kits offered for sale by the company would still require a few additional components in order to be assembled into fully functioning firearms.

12. A search of law enforcement databases revealed that Brendan FARLEY (YOB: 1984), is a resident of 19 Rogler Farm Rd, Smithfield RI, 02917. Other residents of the SUBJECT PREMISES are Brian E. FARLEY (YOB: 1953) and Charlene E. FARLEY (YOB: 1955), possibly FARLEY's parents.

13. Additional inquiries through law enforcement databases revealed that FARLEY previously provided telephone number 401-719-6301 as his contact number to law enforcement, which is the telephone number listed on the invoice and shipping label for the SUBJECT PARCEL. According to records obtained from T-Mobile by HSI Providence, FARLEY is the wireless subscriber for phone number 401-719-6301, with an address of 19 Rogler Farm Rd, Smithfield RI, 02917 listed on the account.

14. A criminal record check revealed that FARLEY is a convicted felon with a criminal history that includes both firearm and narcotics charges that would preclude him from purchasing, receiving, or possessing a firearm under 18 U.S.C. § 922(g)(1):

- On December 28, 2016, FARLEY was arrested by the Smithfield Police Department and was charged with one felony count of Driving Without Consent of Owner or Lessee in violation of R.I.G.L. § 31-9-1¹, one felony count of Loaded Weapon in Vehicle - Machine Gun, Shotgun, Rifle, or Pistol in violation of R.I.G.L. § 11-47-51², and one felony count of Carry Pistol or Revolver Without License or Permit in violation of R.I.G.L. § 11-47-8(a). On February 7, 2018, FARLEY entered pleas of Nolo Contendere to the felony charges of Driving Without Consent of Owner or Lessee and Loaded Weapon in Vehicle - Machine Gun, Shotgun, Rifle, or Pistol. On Driving without Consent, he was sentenced to 3 years' probation, and on Loaded Weapon in Vehicle, he was sentenced to 2 years' probation, both sentences to run concurrently, with an effective date of February 7, 2018. The felony charge of Carry Pistol or Revolver Without License or Permit was dismissed as part of the plea. Refer to Case No. P2-2017-3045AG.
- In that incident, police reports revealed that on December 28, 2016, a Smithfield Police Department officer stopped FARLEY's vehicle after observing it being operated erratically with a flat tire. The officer observed what appeared to be a BB gun rifle between the two front seats on the floor. FARLEY, the operator, was asked to exit the vehicle and, when he did so, officers saw a handgun underneath the driver's seat. The previously described rifle and handgun were determined to be BB guns, but a subsequent search of the vehicle revealed a loaded Marlin Model 70 .22 caliber rifle (*not* a BB gun) with a round in the firing chamber, and two additional BB guns.

¹ Under § 31-9-1, a violation of the statute is punishable by a fine of not more than \$5,000 or imprisoned for a term of not more than 5 years, or both.

² Under § 11-47-51(b), a violation of the statute is punishable by a fine of not more than \$5,000 or imprisoned for a term of not more than 5 years, or both.

- On February 11, 2017, FARLEY was transported to the Adult Correctional Institution, Intake Services Center, by the Johnston Police Department. During a strip search of FARLEY, three plastic baggies of cocaine wrapped in US currency were found in his shoe. On September 18, 2018, FARLEY entered a Nolo Contendere plea to one felony count of Possession of Cocaine - 1st Offense, in violation of R.I.G.L. § 21-28-4.01(c)(2)(i)³ and was sentenced to 2 years' probation. A count of Conveyance of Unauthorized Articles to or From the Adult Correctional Institutions was dismissed. Later, on June 25, 2019, FARLEY admitted violating his probation in the matter and, effective that date, he was sentenced to a full term of 24 months at the A.C.I., 9 months to serve, with a 15-month suspended sentence with 15 months' probation. Refer to P2-2018-1899A.
- Also noteworthy was that on February 10, 2017, FARLEY was arrested by the Johnston Police Department and charged with 3 misdemeanors - Impersonation of Public Officer in violation of R.I.G.L. § 11-14-1, Disorderly Conduct in violation of R.I.G.L. §11-45-1(a), and Obstructing Officer in Execution of Duty in violation of R.I.G.L. § 11-32-1. Police reports showed that on February 10, 2017, the Johnston Police Department responded to Escada Bar on 39 Putnam Avenue for a complaint of a male subject - later identified as FARLEY - displaying a firearm. The reporting party, a bar employee, claimed FARLEY told him he was "a state cop" and was "deep undercover" and "needed information on the table behind him." When the employee asked to see FARLEY's badge, FARLEY lifted

³ Inter alia, § 21-28-4.01(c)(2)(i) indicates the penalty for possession of a Sch. II controlled substance, such as cocaine, is imprisonment for not more than three years, or a fine not less than \$500 nor more than \$5,000, or both.

his sweater revealing a pistol in a tan holster and stated, "this is my badge." When officers later located FARLEY, he was wearing a tan pistol holster, but the holster did not contain a firearm at that time. When officers questioned FARLEY, he stated that he usually carries a pistol holster on his belt without a weapon. The reported weapon was never discovered by the Johnston Police Department. On February 27, 2017, FARLEY entered pleas of Nolo Contendere to Impersonation of Public Officer and Obstructing Officer in Execution of Duty and received a 1 year suspended sentence with probation. Refer to Case No. 31-2017-01407.

15. On or around November 30, 2023, I spoke with United States Postal Inspector Michael Maccarone of the United States Postal Service (USPS). Postal Inspectors queried USPS business records for shipments delivered to the SUBJECT PREMISES. From December 5, 2022, through November 24, 2023, approximately forty-five (45), USPS parcels were delivered to the SUBJECT PREMISES, addressed to the names of "Brendan Farley" and "Brendan Sarley."

16. Of the forty-five (45) parcels delivered to the SUBJECT PREMISES, sixteen (16) were shipped from various firearm or firearm-related part vendors, including, for example, KM Tactical (MO), Midwest Gun Works (MO), Mid-South Arms LLC (AR), MMC Armory (UT), Primary Arms (TX), Wolfpack Armory (WV), Prepper's Discount (AZ) and CMMG (MO).

17. On November 30, 2023, I conducted surveillance in the vicinity of the SUBJECT PREMISES and observed a 2009 AUDI A4 2.0T QUATTRO bearing RI Registration 1QS297, VIN: WAUSF78K59N023177, parked in front of the SUBJECT PREMISES. A check of R.I. DMV records showed the vehicle was registered to Brendan FARLEY. While conducting surveillance, I observed a male matching FARLEY's description exit the SUBJECT PREMISES carrying a large dark-colored duffle bag. He placed the bag inside the Audi and eventually departed from the SUBJECT PREMISES.

Search Warrant – December 6, 2023

18. On December 4, 2023, based upon the above investigation, search warrants were sought for 19 Rogler Farm Road, Smithfield, RI 02917, the 2009 black Audi A4 bearing RI Registration “1QS297” (VIN: WAUSF78K59N023177), registered to Brendan FARLEY, the person of Brendan FARLEY (YOB: 1984), and the cellular telephone with assigned call number 401-719-6301. The warrants (23-SW-383; 23-SW-384; 23-SW-385; 23-SW-386) were signed on that date by Magistrate Judge Lincoln D. Almond, and all warrants were executed on December 6, 2023.

19. Upon executing the warrant at 19 Rogler Farm Road, Brendan FARLEY and Charlene FARLEY and Brian FARLEY – FARLEY’s parents - were found in the residence, all of whom were secured without incident. Inside the residence, FARLEY’s bedroom was identified by his parents, and law enforcement found both mail and FARLEY’s wallet/driver’s license in the bedroom. The following items were located in FARLEY’s bedroom:

- Three (3) 9 mm Glock-type unserialized handguns⁴
- One (1) 9 mm Sig Sauer-type unserialized handgun

⁴ The unserialized firearms found in FARLEY’s bedroom were privately made firearms (PMFs), otherwise known as “Ghost Guns.” PMFs are firearms without serial numbers and other manufacturer or importer markings, rendering them difficult to trace by law enforcement officials. These firearms can be finished and/or assembled with the aid of common household tools or specialized tools and equipment using gun-build kits or aggregated gun parts purchased online and elsewhere. These kits – like Poly80 kits - are commonly known as “buy build shoot” kits. Federal law enforcement agencies have been focusing on the investigation of PMF’s produced from 80 percent lower receivers or frames, known hereafter as the “80 Percent Frame.” The “80 Percent Frame” is an unfinished frame that has been advertised and sold as being 80 percent complete and can be easily finished and assembled into a frame or receiver and a fully functioning firearm. The “80 Percent Frame” is available and sold in both handgun and rifle configurations. An individual can purchase these unfinished frames or receivers with relative ease over the internet, bypassing regulatory requirements of the Gun Control Act (GCA) including background checks, recordkeeping, and manufacturers’ markings.

- One (1) .22 Glock-style unserialized caliber handgun
- One (1) AR-15 platform 4/10 shotgun unserialized
- One (1) AR-15 Rifle, suspected Fully Automatic/Machine Gun, serialized
- One (1) AR-15 .22 caliber rifle unserialized
- One (1) .300 AAC Blackout Short Barrel Rifle unserialized
- One (1) 9mm Short Barrel Rifle unserialized
- Two (2) AR-15 lower receivers
- Various parts for an Ak-47 Rifle
- Various rounds of ammunition
- Approximately 6 Poly80 Jigs⁵
- 32 firearm magazines
- Two (2) suppressors – attached to firearms
- Nine (9) suppressors unattached to firearms; seven (7) were drilled/completed; 2 were unfinished.
- Hells Angels Motor Cycle club paraphernalia

20. Inside of FARLEY's vehicle, 2 firearm magazines were seized, including a drum-style magazine.

21. Under 18 U.S.C. § 922(g)(1), it is unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

⁵ As of August 24, 2022, Final Rule 2021R-05F⁵ became effective, which addressed the classification of partially complete (commonly referred to as "80%") frames or receivers that are sold, distributed, or possessed with the associated templates, jigs, molds, equipment, tools, instructions, guides. The rule clarifies that the definition of a "firearm" now includes a weapons-parts kit that is designed to or may readily be completed, assembled, restored, or otherwise converted to expel a projectile by the action of an explosive. With the new rule in effect, the many products currently marketed and sold as unregulated kits ("buy build shoot" kits) and components are properly classified as "firearms" that are regulated under federal law. Final Rule 2021R-05F, found in 27 CFR Part 478, was signed by the United States Attorney General on April 11, 2022, was published in the Federal Register on April 26, 2022, and became effective on August 24, 2022, 120 days from the date it was published in the Federal Register. *See* <https://www.ecfr.gov/current/title-27/chapter-II/subchapter-B/part-478?toc=1>.

22. Additionally, a prohibited person may not possess an “80%” buy-build-shoot kit if it is designed to or may be readily completed, assembled, restored, or otherwise converted to function as a frame or receiver and a fully functioning firearm. To determine whether a kit is so designed, or may readily be completed, assembled, restored or converted, law enforcement may consider any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials that are sold, distributed, or possessed with the item or kit, or otherwise made available by the seller or distributor of the item or kit to the purchaser or recipient of the item or kit.

23. Based upon a review of a Glock-type pistol recovered from FARELY’s residence, I know that the principal parts of the Glock-type pistols were manufactured outside the state of Rhode Island and travelled in interstate commerce prior to their recovery in Rhode Island on December 6, 2023.⁶ Namely, the lower assembly of each Glock-type pistol, which is a principal part of the Glock-type pistol, was manufactured in Dayton, Nevada, by Polymer80, Inc., and therefore travelled in interstate commerce prior to their recovery in Rhode Island. The slide assembly featured the company name and logo for Tactical Solutions, which is headquartered in Boise, Idaho and specializes in the manufacturing of slides and barrels for Glock and Sig type pistols. In order for these principal parts to have been recovered in the state of Rhode Island, they would have travelled through interstate commerce.

24. Also, a Sig Sauer-type pistol was recovered from FARELY’s residence. I know that the principal parts of the Sig Sauer-type pistols were manufactured outside the state of Rhode Island and travelled in interstate commerce prior to their recovery in Rhode Island on December 6, 2023. Namely, the lower assembly of the Sig Sauer-type pistol, which is a principal part of the Sig Sauer-type pistol, was manufactured in Berryville, Arizona, by Wilson Combat., and therefore travelled in interstate commerce

⁶ Glock is brand of polymer-framed, short recoil-operated, locked-breech semi-automatic pistols designed and produced by Austrian manufacturer Glock Ges.m.b.H.

prior to their recovery in Rhode Island. The slide assembly featured the company name and logo for Sig Sauer, which is headquartered in Epping, New Hampshire. In order for these principal parts to have been recovered in the state of Rhode Island, they would have travelled through interstate commerce.

25. During a search of the residence, varying amounts of ammunition were located, and based upon training and experience, I know ammunition is manufactured outside the state of Rhode Island, and thus would have had to travel through interstate commerce to have been recovered in Rhode Island.

26. A check of the National Firearms Registration and Transfer Record System (NFRTR) revealed FARLEY did not have any silencers registered to him. Based upon a review of the silencers, it did not bear any manufacturer marks of identification or serial number as required per 26 U.S.C. § 5842. Based upon training and experience, and through conversations with senior investigators, the aforementioned items feature components including end caps and baffles which are consistent with features on silencers recovered in other investigations.

CONCLUSION

27. Based upon the forgoing, I respectfully submit that there is probable cause to believe that on or about December 6, 2023, in the District of Rhode Island, Brendan FARLEY, having been previously convicted of a crime punishable by a term of imprisonment exceeding one year did knowingly possess 1) an unserialized 9mm Glock-type pistol with a Polymer80 Inc. frame bearing model number PF940SC; 2) an unserialized 9mm Glock-type pistol with a Polymer80 Inc. frame bearing model number PF940C, with a black slide manufactured by Tactical Solutions "Boise Idaho" in Dayton Nevada, 3) an unserialized 9mm Sig Sauer Type pistol with a Wilson Combat frame with a black Sig Sauer slide, 4) an AR-15 Rifle, serialized, suspected Fully Automatic/Machine Gun, and 5) various rounds of ammunition, in violation of 18

U.S.C. § 922(g)(1). Further, FARLEY possessed ELEVEN silencers which had not been registered to him in the NFRTR on December 6, 2023 in violation of 26 U.S.C. § 5681(d). I therefore request that a criminal complaint and arrest warrant be issued for Brendan FARLEY.


BRENDAN JAFFE
Special Agent
Homeland Security Investigations

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by:

Telephone

(specify reliable electronic means)

December 6, 2023

Date

Providence RI

City and State


Judge's signature

U.S. Magistrate Judge